**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.**

**Case No. : R.S.A.No.3201 of 2006**
**Date of Decision : December 19, 2006.**

Surjit Kumar ..... Appellant

Vs.

Pepsu Road Transport Corporation & others ..... Respondents

**Coram : Hon'ble Mr.Justice P.S.Patwalia**

* * *

Present : Mr.Rajan Gupta, Advocate
for the appellant.

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**P.S.Patwalia, J. (Oral) :**

The present Regular Second Appeal has been filed by the plaintiff against the concurrent findings recorded by the courts below dismissing the suit filed by him. The plaintiff had challenged the order dated 23.02.2001 vide which his services were terminated.

A reading of the judgments of the courts below would show that the main charge against the plaintiff was that on 8.10.1999 while on duty as Conductor on a bus deployed on route no.190 going from Patiala to Amritsar, when two Inspectors checked the bus they found that nine passengers between Jalandhar and Kartarpur had paid the fare but the plaintiff had not issued the tickets to them. On seeing the Inspectors, the plaintiff hurriedly started puncturing the tickets of four passengers but did so at wrong places. The tickets were taken into custody by the Inspectors.

The plaintiff did not file any reply to the charge-sheet. When Inquiry Officer was appointed he admitted the charges before the Inquiry Officer. It is on this basis that the impugned order of punishment was made against him.

It is in this view of the matter that both the courts have found no error in the procedure adopted in the course of the departmental inquiry.

Learned counsel for the petitioner has contended that the plaintiff was due to retire shortly before the impugned order was made. He therefore submits that a lenient view may be taken. From a reading of the judgments of the courts below, it has come on the record that earlier also there were several punishments imposed on the plaintiff. The relevant observations of the trial court in this regard are as hereunder :-

> *".....As admitted by the witness, examined by the defendants corporation, competent authority has also kept in mind the previous conduct of the plaintiff about several punishment imposed upon him in the past as mentioned at page Nos.25 to 31, in the enquiry file Ex. P-1. However, this admissions made, by sole witness of defendants, is of no consequence because, the competent authority, has not passed the impugned order, terminating the services, of the plaintiff, on the basis of his previous record, but in view of the report, of Inquiry Officer, submitted on the basis, of admission, made by him."*

In view of the aforesaid I am not impressed with this contention raised by the learned counsel as well. I consequently find no merit in this Regular Second Appeal and the same is accordingly dismissed.

December 19, 2006 ( P.S.Patwalia )
*monika* Judge